

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CHARLES E. SMITH, JR.,	:	
	:	
Plaintiff,	:	CIVIL NO. 1:10-CV-2046
	:	
v.	:	Hon. John E. Jones III
	:	
JEFFREY BEARD, <i>et al.</i> ,	:	
	:	
Defendants.	:	

**MEMORANDUM**

February 24, 2011

**THE BACKGROUND OF THIS MEMORANDUM IS AS FOLLOWS:**

Plaintiff Charles E. Smith, Jr., an inmate presently confined at the Muskegon Correctional Facility in Muskegon, Michigan, initiated the above action *pro se* by filing a Complaint under the provisions of 42 U.S.C. § 1983. (Doc. 1.)

This action previously was dismissed by Order dated November 19, 2010 as a result of Plaintiff's failure to timely submit a filing fee or the forms required to proceed *in forma pauperis* in a civil rights action in this Court. However, after Smith submitted the proper forms to proceed *in forma pauperis*, by Order dated December 7, 2010, this case was re-opened, and Plaintiff was granted *in forma pauperis* status. (Doc. 11.)

We also conducted a preliminary screening of the Complaint pursuant to 28

U.S.C. § 1915. In our December 7 Order, we explained that Plaintiff would be required to file an amended complaint, and afforded him an opportunity to do so on or before December 28, 2010. (*See* Doc. 11.)

On December 30, 2010, Plaintiff filed a Motion requesting a ninety (90) day extension of time to file an amended complaint. (Doc. 13.) Plaintiff explained that an extension of time was needed to gather the necessary materials to prepare his amended complaint in light of his recent transfer to Muskegon Correctional Facility, and also to secure legal assistance. (*Id.*) We found that, while Plaintiff had shown good cause to warrant an extension of time, a ninety (90) day extension was not warranted.

Therefore, by Order dated January 3, 2011, we granted Plaintiff a forty-five (45) day extension, or until February 17, 2011, to file his amended complaint. (Doc. 14.) Our Order also warned Plaintiff that his failure to file an amended complaint as directed within the required time may result in the dismissal of this action.

Although the deadline for filing an amended complaint has expired, Plaintiff neither has filed an amended complaint nor requested a further extension of time in which to do so. Accordingly, this action will be dismissed. An appropriate Order will enter on today's date.